

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Michael Johnson,) C/A No. 8:14-4431-TMC
Plaintiff,)
v.) **ORDER**
J. Hollingsworth, Warden FCI Fort Dix,)
Defendant.)

Plaintiff, proceeding pro se, filed this civil action pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2674. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that Defendant's motion to dismiss (ECF No. 36) be granted. (ECF No. 49). Plaintiff has not filed objections to the Report, and the time to do has now run. In fact, the Report, which was mailed to Plaintiff's last known address, was returned as undeliverable and marked "Return to Sender - Paroled." (ECF No. 51).

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report and the record in this case, the court adopts the

magistrate judge's Report (ECF No. 49) and incorporates it herein. It is therefore **ORDERED** that Respondent's motion to dismiss (ECF No. 36) is **GRANTED**.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

February 9, 2016
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.